ESTTA Tracking number:

ESTTA403227 04/12/2011

Filing date:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92053077
Party	Defendant Indochine Clothingworks
Correspondence Address	Thomas P. Philbrick ALLMARK TRADEMARK 4041 Sugar Maple Dr., Suite A Danville, CA 94506 UNITED STATES tom@allmarktrademark.com, allmarktrademark@gmail.com,
Submission	Other Motions/Papers
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Signature	/Thomas P. Philbrick/
Date	04/12/2011
Attachments	INDOCHINE stipulated surrender filed 04122011.pdf (2 pages)(37980 bytes) Certificate of Service INDOCHINE surrender stipulation 04122011.pdf (1 page)(11207 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of Trademark Registration No. 3,511,639

Filed: February 27, 2008

For the mark: INDOCHINE

Published in the Official Gazette on: July 22, 2008

Indochino Apparel Inc.)
Petitioner,)))) Opposition No. 92053077
v.)
Indochine Clothingworks)
Respondent)))

Trademark Trial & Appeal Board United States Patent & Trademark Office P.O. Box 1451 Alexandria, VA 22313-1451

Stipulated Request for Complete Surrender of Registration No. 3,511,639 and for the Without Prejudice Dismissal of this Cancellation (TBMP §602.02)

Dear Mr. Baxley,

Indochine Clothingworks, a corporation of the state of New York, (hereinafter "Respondent") hereby requests the complete surrender of U.S. trademark registration number 3,511,639 for the mark INDOCHINE that is the subject of the instant cancellation action. As a condition precedent of this surrender, the cancellation is only to be dismissed if the surrender is made as a "without prejudice" stipulated resolution to the case.

Respondent notes that because Petitioner has provided its express consent to the complete class 25 surrender via its attorney's signature below, the dismissal should be entered as <u>without</u> <u>prejudice</u> and <u>no judgment</u> against the Respondent should be entered by the TTAB. Respondent also notes that the original certificate of registration for the subject trademark has been lost and it therefore submits that it need not be included with this stipulated surrender filing.

Conclusion

Given the foregoing, the parties respectfully request the processing of the surrender of Respondent's class 25 trademark registration number 3,511,639 and the <u>without prejudice</u> dismissal of the instant cancellation proceeding.

DATED this 12th day of April, 2011.

Respectfully submitted,

Respectfully submitted,

Indochine Clothingworks

Date:

Thomas P. Philbrick, Esq. John E. Russell, Esq.

Attorneys for Respondent

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Date:

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address of record by email (by agreement only) on this date.

The motion was forwarded to the following email addresses...

sheilamorrison@dwt.com

pdxtrademarks@dwt.com

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Signature of Attorney for Respondent:

Date:

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